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Paper No. 12

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MAILED

NOV 07 2005

TECHNOLOGY CENTER 2100

In re Application of:  
Mikael ROSENHED  
Application No.: 09/439,162  
Filed: November 12, 1999  
For: BASE TRANSCEIVER STATION  
AUTOMATIC ENCRYPTION HANDLING

DECISION ON PETITION UNDER  
37 C.F.R. § 1.8 TO ACCEPT  
PAPERS AS TIMELY FILED AND  
UNDER 37 C.F.R. § 1.181 TO  
WITHDRAW HOLDING OF  
ABANDONMENT

This is a decision on the petition filed November 03, 2004 under 37 C.F.R. § 1.8(b) to accept papers as timely filed and as a petition under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.

The petition is **DISMISSED**

This application was held abandoned for failure to respond in a timely manner to the Final Office Action mailed on January 13, 2004. A Notice of Abandonment was mailed on October 19, 2004.

37 C.F.R. § 1.8(b) states:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition is accompanied by (1) a copy of the originally transmitted Amendment After Final and (2) a Certificate of Facsimile transmission signed by Pamela S. Newton dated March 16, 2004.

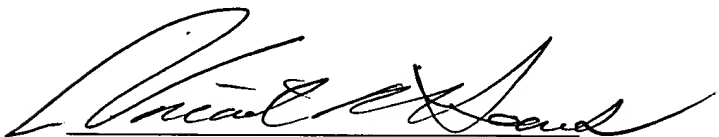
In the instant application, the petition does not comply with the requirements set forth in 37 C.F.R. § 1.8(b)(3). The petition does not attest to the transmission of the Amendment on a *personal knowledge* basis.

For the above stated reasons, the petition is **DISMISSED**.

It is noted that the fax phone number on the Amendment After Final is different than the fax phone number as suggested in the Office action. Further, attached herewith is an Advisory Action from the examiner of record.

If the petitioner desires further review of this Decision, applicant should consider filing a Request for Reconsideration within 2 months of the mailing date of this Decision. However, it is advised that a petition under 37 C.F.R. § 1.137(b) is more appropriate at the current stage of prosecution.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



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Encl.: Advisory Action of November 3, 2005